

SECOND REGULAR SESSION

# HOUSE BILL NO. 1721

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES COLONA (Sponsor) AND ELLINGER (Co-sponsor).

5596L.02I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 217.692, RSMo, and to enact in lieu thereof one new section relating to probation and parole for juvenile offenders, with a penalty provision.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 217.692, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 217.692, to read as follows:

217.692. 1. Notwithstanding any other provision of law to the contrary, any offender incarcerated in a correctional institution serving any sentence of life with no parole for fifty years or life without parole, whose plea of guilt was entered or whose trial commenced prior to December 31, 1990, and who:

(1) Pleaded guilty to or was found guilty of a homicide of a spouse or domestic partner;

(2) Has no prior violent felony convictions;

(3) No longer has a cognizable legal claim or legal recourse; and

(4) Has a history of being a victim of continual and substantial physical or sexual domestic violence that was not presented as an affirmative defense at trial or sentencing and such history can be corroborated with evidence of facts or circumstances which existed at the time of the alleged physical or sexual domestic violence of the offender, including but not limited to witness statements, hospital records, social services records, and law enforcement records;

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shall be eligible for parole after having served fifteen years of such sentence when the board determines by using the guidelines established by this section that there is a strong and reasonable probability that the person will not thereafter violate the law.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17           2. **Notwithstanding any other provision of law to the contrary, any offender**  
18 **incarcerated in a correctional institution who was less than eighteen years of age at the**  
19 **time of the commission of the crime for which the offender was incarcerated and who is**  
20 **serving any sentence of life with no parole for fifty years or life without parole shall be**  
21 **eligible and further more considered for parole after having served fifteen years of such**  
22 **sentence when the board determines by using the guidelines established by this section that**  
23 **there is a strong and reasonable probability that the person will not thereafter violate the**  
24 **law.**

25           3. The board of probation and parole shall give a thorough review of the case history  
26 and prison record of any offender described in subsection 1 **or 2** of this section. At the end of  
27 the board's review, the board shall provide the offender with a copy of a statement of reasons for  
28 its parole decision.

29           [3.] 4. Any offender released under the provisions of this section shall be under the  
30 supervision of the parole board for an amount of time to be determined by the board.

31           [4.] 5. The parole board shall consider, but not be limited to the following criteria when  
32 making its parole decision:

33           (1) Length of time served;

34           (2) Prison record and self-rehabilitation efforts;

35           (3) Whether the history of the case included corroborative material of physical, sexual,  
36 mental, or emotional abuse of the offender, including but not limited to witness statements,  
37 hospital records, social service records, and law enforcement records;

38           (4) If an offer of a plea bargain was made and if so, why the offender rejected or  
39 accepted the offer;

40           (5) Any victim information outlined in subsection 7 of section 217.690 and section  
41 595.209;

42           (6) The offender's continued claim of innocence;

43           (7) The age and maturity of the offender at the time of the board's decision;

44           (8) The age and maturity of the offender at the time of the crime and any contributing  
45 influence affecting the offender's judgment;

46           (9) The presence of a workable parole plan; and

47           (10) Community and family support.

48           [5.] 6. Nothing in this section shall limit the review of any offender's case who is eligible  
49 for parole prior to fifteen years, nor shall it limit in any way the parole board's power to grant  
50 parole prior to fifteen years.

51           [6.] 7. Nothing in this section shall limit the review of any offender's case who has  
52 applied for executive clemency, nor shall it limit in any way the governor's power to grant  
53 clemency.

54           [7.] 8. It shall be the responsibility of the offender to petition the board for a hearing  
55 under this section.

56           [8.] 9. A person commits the crime of perjury if he or she, with the purpose to deceive,  
57 knowingly makes a false witness statement to the board. Perjury under this section shall be a  
58 class C felony.

59           [9.] 10. In cases where witness statements alleging physical or sexual domestic violence  
60 are in conflict as to whether such violence occurred or was continual and substantial in nature,  
61 the history of such alleged violence shall be established by other corroborative evidence in  
62 addition to witness statements, as provided by subsection 1 of this section. A contradictory  
63 statement of the victim shall not be deemed a conflicting statement for purposes of this section.

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